

continued lack of participation in this case, the Court would entertain a motion to dismiss for Plaintiff's failure to prosecute.

Defendant followed up the next day by filing a motion to dismiss for failure to prosecute [ECF No. 19]. The Court issued an Order requiring Plaintiff to file a response to Defendant's motion by December 7, 2023 [ECF No. 20]; however, no response has ever been received from Plaintiff.

B. Discussion

The United States Court of Appeals for the Third Circuit has set out a six-factor balancing test to guide a court in determining whether dismissal of a case is appropriate. Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863 (3d Cir. 1984). The court must consider: 1) the extent of the party's personal responsibility; 2) the prejudice to the adversary caused by the failure to meet scheduling orders and respond to discovery; 3) a history of dilatoriness; 4) whether the conduct of the party or attorney was willful or in bad faith; 5) the effectiveness of sanctions other than dismissal, which entails an analysis of alternative sanctions; and 6) the meritoriousness of the claim or defense. Id. at 868. Not all of the six factors need to weigh in favor of dismissal before dismissal is warranted. Hicks v. Feeney, 850 F.2d 152 (3d Cir. 1988).

In this case, for the past several months, Plaintiff has taken none of the necessary steps to prosecute this case against Defendant. He failed to respond to Defendant's partial motion to dismiss, has failed to respond to Defendant's repeated attempts to contact him, has failed to appear at a scheduled telephonic hearing, and has failed to comply with multiple Orders of this Court. Alternative sanctions, such as monetary penalties, are deemed inappropriate. Thus, this case will be dismissed due to Plaintiff's failure to prosecute.

An appropriate Order follows.